

Mark Punzalan (State Bar No. 247599)
mpunzalan@finkelsteinthompson.com

FINKELSTEIN THOMPSON LLP

100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: (415) 398-8700
Facsimile: (415) 398-8704

Counsel for Lead Plaintiff James Bartholomew

TERRY T. JOHNSON, State Bar No. 121569 (tjohnson@wsgr.com)
BORIS FELDMAN, State Bar No. 128838 (boris.feldman@wsgr.com)
BAHRAM SEYEDIN-NOOR, State Bar No. 203244 (bnoor@wsgr.com)
CHERYL W. FOUNG, State Bar No. 108868 (cfoung@wsgr.com)
JENNY L. DIXON, State Bar No. 192638 (jldixon@wsgr.com)
BRYAN J. KETROSER, State Bar No. 239105 (bketrosier@wsgr.com)
L. DAVID NEFOUSE, State Bar No. 243417 (dnefouse@wsgr.com)
WILSON SONSINI GOODRICH & ROSATI

Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER RUDOLPH, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

UTSTARCOM, HONG LIANG LU, YING
WU, MICHAEL SOPHIE, FRANCIS
BARTON, AND THOMAS TOY,

Defendants.

Case No. 3:07-CV-04578-SI

**JOINT STIPULATION AND
[PROPOSED] ORDER SETTING MAY
29, 2009 HEARING DATE ON LEAD
PLAINTIFF'S UNOPPOSED MOTION
FOR AN ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND
DIRECTING DISSEMINATION OF
NOTICE TO CLASS**

1 WHEREAS, Lead Plaintiff, James R. Bartholomew, was appointed by the Court to
2 prosecute this action on behalf of all persons who purchased or otherwise acquired the
3 common stock of UTStarcom, Inc. (“UTSI” or the “Company”) between September 4, 2002
4 and July 24, 2007, inclusive (“the Class Period”);

5 WHEREAS, on March 30, 2009 the parties participated in an in-person mediation
6 before the Honorable Layn R. Phillips, former United States district Court Judge;

7 WHEREAS, on April 10, 2009, with the assistance of Judge Phillips, the parties
8 reached an agreement in principle as to the material terms of the relief for the Class, which
9 Lead Counsel believes to be fair, reasonable and adequate for the Class;

10 WHEREAS, after reaching an agreement in principle, Lead Plaintiff and Defendants
11 exchanged several drafts of a written settlement agreement, forms of class notice and
12 proposed orders;

13 WHEREAS, on May 14, 2009, the parties finalized and executed a Stipulation of
14 Settlement;

15 WHEREAS, pursuant to the terms of the Stipulation of Settlement, Defendants’
16 insurance carrier will pay nine million, five hundred thousand dollars (\$ 9,500,000) on behalf
17 of Defendants into an interest bearing account within thirty (30) days of the Court granting
18 preliminary approval, with the interest earned on the settlement fund inuring to the benefit of
19 the Class;

20 WHEREAS, Defendants have indicated that they do not intend to oppose Lead
21 Plaintiff’s Motion For An Order Granting Preliminary Approval Of Class Action Settlement
22 And Directing Dissemination Of Notice To Class;

23 WHEREAS, Lead Plaintiff and Defendants believe that it is in the interests of judicial
24 economy and efficiency and in the interests of the Class to obtain preliminary approval as
25 soon as possible;

26 IT IS, THEREFORE, STIPULATED AND AGREED BY ALL PARTIES, PENDING
27 APPROVAL BY THIS COURT, THAT:

1 The hearing on Lead Plaintiff's Unopposed Motion For An Order Granting
2 Preliminary Approval Of Class Action Settlement And Directing Dissemination Of Notice To
3 Class will be held on May 29, 2009 at 9:00 a.m.

4 IN WITNESS WHEREOF, the parties hereto have caused the Stipulation to be
5 executed by their duly authorized attorneys, dated as of May 14, 2009.

6 IT IS SO STIPULATED.

7 Dated: May 14, 2009

FINKELSTEIN THOMPSON LLP

8 By: /s/ Mark Punzalan

Mark Punzalan

9 *Counsel for Plaintiffs*

10
11 Dated: May 14, 2009

WILSON SONSINI GOODRICH & ROSATI

12 By: /s/ Bahram Seyedin-Noor

13 Bahram Seyedin-Noor

14 *Attorneys for Defendants*

15 **[PROPOSED] ORDER**

16 IT IS HEREBY ORDERED THAT:

17 The hearing on Lead Plaintiff's Unopposed Motion For An Order Granting
18 Preliminary Approval Of Class Action Settlement And Directing Dissemination Of Notice To
19 Class will be held on May 29, 2009 at 9:00 a.m.

20 IT IS SO ORDERED.

21 Date: 5/15/09

22 

23 The Honorable Susan Illston
United States District Court Judge

1 I, Mark Punzalan, am the ECF User whose identification and password are being
2 used to file the foregoing Joint Stipulation and [Proposed] Order. I hereby attest that
3 Bahram Seyedin-Noor has concurred in this filing.

4 Dated: May 14, 2009

FINKELSTEIN THOMPSON LLP

6 By: /s/ Mark Punzalan
Mark Punzalan

7 Attorney for Lead Plaintiff
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